

---

ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

---

Date of Discontinuance of Proceedings - October 22, 1998

**IN THE MATTER OF** Sections 84, 85, and 87 of the *Environmental Protection and Enhancement Act*, (S.A. 1992, ch. E-13.3 as amended);

-and-

**IN THE MATTER OF** an appeal filed by Mr. Charles W. Forster of Legal Oil and Gas Ltd. with respect to Environmental Protection Order No. 98-03 issued on February 17, 1998 by the Director, Land Reclamation Division, Alberta Environmental Protection.

Cite as: Legal Oil and Gas Ltd. #2 v. Director, Land Reclamation Division, Alberta Environmental Protection.

**TABLE OF CONTENTS**

BACKGROUND .....1

THE MEDIATION MEETING.....3

RESOLUTION AGREEMENT .....4

DECISION .....5

**MEDIATION MEETING BEFORE**

Dr. John P. Ogilvie

**APPEARANCES**

Appellant: Mr. Dennis R. Thomas, Q.C., counsel, Fraser Milner, representing Mr. Charles W. Forster, Legal Oil and Gas Ltd.

Department: Mr. Grant Sprague, counsel, Alberta Justice, representing Mr. Chris Powter, Alberta Environmental Protection

Other Parties: Mr. John Peet; Mr. Brian Cornelis; Mr. Larry Leonard, Lenalta Management; Mr. John Forster, Servalta Oilfield Services Ltd.; and Mr. Gerald Mackie and Mr. Louis P. Less, United Compass Resources Ltd.

## **BACKGROUND**

[1] On February 17, 1998, the Director, of Land Reclamation Division, Alberta Environmental Protection, issued Environmental Protection Order No. 98-03 for contamination of the site located in the SW 1/4 Section 21, Township 57, Range 25 W4M in the Municipal District of Sturgeon. The well located on this site is LWS 2 Legal 7-21-57-25.

[2] On February 24, 1998, the Environmental Appeal Board (Board) received a Notice of Appeal from Mr. Dennis Thomas of Milner Fenerty, on behalf of Mr. Charles W. Forster of Legal Oil and Gas Ltd. (Appellant) advising that he objected to the issuance of the EPO 98-03 and seeking a Stay of the EPO.

[3] In a letter dated March 9, 1998, from Mr. Grant Sprague to Dennis Thomas, Mr. Sprague advised that Legal Oil and Gas Ltd. would not be required to seek a formal Stay, however, if circumstances suddenly changed, the Director may require immediate compliance with an EPO.

[4] The Board wrote to Mr. Thomas on February 25, 1998, acknowledging receipt of his appeal, and by copy of that letter, requested the Department of Environmental Protection (the Department) provide copies of all related correspondence, documents and materials related to this matter.

[5] On March 18, 1998 Legal Oil and Gas Ltd. requested that the Board give notice of any appeal hearing to United Compass Resources Ltd. and provided a copy of the transfers of the well licence. The Board acknowledged this request and provided United Compass with a copy of the file on March 24, 1998.

[6] On April 3, 1998, the Department forwarded copies of the documents that were requested and provided a copy to Mr. Thomas.

[7] On April 17, 1998, the Board wrote to the Appellant and the Department and United Compass Resources Ltd. requesting that the parties advise whether they wished to have a mediation meeting under section 11 of the Environmental Appeal Board Regulation<sup>1</sup>, if they wished to hold a preliminary meeting and if there were any other persons who may have an interest in the appeal.

[8] Responses were received and on June 10, 1998, the Board wrote to all parties including the landowner, Mr. John Peet, and the Alberta Energy and Utilities Board, informing them that a mediation meeting would be held on July 17, 1998. A Notice of Mediation and Public Hearing was placed in the Morinville Mirror on June 22, 1998 stating that a mediation meeting would be taking place on July 17, 1998.

[9] At the July 17, 1998 mediation meeting, the parties agreed to a further mediation and a hearing on September 8, 1998.

[10] Further to the mediation meeting held on July 17, 1998 the Department provided a letter dated August 14, 1998 to the Board with additional information regarding the contamination and lease size.

[11] On August 20, 1998, the Board received a letter from the Department advising that “in the absence of Legal’s information on the leases, there would be little point in convening the mediation meeting tomorrow.” In response, the Board advised the parties in a letter dated August 24, 1998 that the appeal would proceed directly to a hearing on September 8, 1998. On September 1, 1998, Legal Oil and Gas Ltd. requested that the hearing be adjourned and the Board granted this request.

---

<sup>1</sup> AR 114/93 (hereinafter “the regulations”).

[12] On September 23, 1998, the Board advised all parties that a hearing had been scheduled for October 22, 1998 in the Board's office. The Department requested that the hearing of October 22, 1998 be changed to a mediation and this request was granted.

### **THE MEDIATION MEETING**

[13] The Board conducted a mediation meeting in the Board's office on October 22, 1998, with Dr. John Ogilvie, Vice-Chair, as the presiding Board member.

[14] In conducting the mediation meeting, Dr. Ogilvie reviewed the appeal and mediation process and explained the purpose of the mediation meeting. He then circulated copies of the "Participants' Agreement to Mediate" and all participants signed.

[15] Following productive and detailed discussions, the attached resolution evolved at the meeting and was signed on October 22, 1998 (see page 4 of this report).

**DECISION**

[17] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on the resolution on page 4, the Board hereby discontinues its proceedings in appeal 98-008 and will be closing its file.

---

Dr. William A. Tilleman